

February 13, 2004

<<id number>>
<<fname>> <<lname>>
<<Title>>
<<Company>>
<<Street>>
<<City>>, <<State>> <<zip>>

Re: 2004 ETS Survey

Dear <<salutation>> «fname»,

The purpose of the enclosed survey is to gather information about efforts to enforce Environmental Tobacco Smoke (ETS) laws, including Labor Code 6404.5, the statewide ordinance that prohibits smoking in virtually all enclosed places of employment. This is part of an evaluation of California's tobacco control programs conducted by the Public Health Institute on behalf of the California Department of Health Services, Tobacco Control Section.

According to our records, you are the current ETS enforcement contact for <<desigCity>>. If you think someone else in your agency would be more appropriate to complete the survey, please give this package to him or her. If your agency is not involved in the enforcement of ETS laws, please return the survey indicating the proper contact name and address.

Please return the survey in the enclosed postage-paid envelope by March 12, 2004.

Thank you for taking the time to complete this survey. Your responses will assist the Tobacco Control Section in its efforts to protect the health and safety of all Californians. If you have any questions regarding this survey or our evaluation efforts, please call me at (650) 712-8070. If I am unavailable, please call my associate, Harry Haladjian, at (415) 703-0427.

Sincerely,

Ellen Feighery, RN, MS
Public Health Institute

Enclosures

SECONDHAND SMOKE LAW ENFORCEMENT SURVEY

FEBRUARY 2004

The questions in this survey are regarding the enforcement of: Labor Code 6404.5, which requires that smoking be prohibited in virtually all enclosed places of employment; Health and Safety Code 104495, which prohibits smoking and cigarette disposal in playgrounds and tot lots; and Government Code 7596-7598 (also known as AB 846), which prohibits smoking within 20 feet of government building entrances, exits, and operable windows.

This survey is conducted by the Public Health Institute in collaboration with the Tobacco Control Section, California Department of Health Services. The purpose of this survey is to learn more about the enforcement of state tobacco control laws during the last year. We are specifically interested in your efforts to enforce laws that focus on reducing exposure to secondhand smoke. We appreciate you taking the time to complete the survey because this information cannot be obtained from other data sources. If you think someone else in your agency would be more appropriate to complete the survey, please give this packet to him or her.

Please use the enclosed postage-paid envelope to return the completed survey by **March 5, 2004** to:
Public Health Institute, Enforcement Surveys, 1040 Grant Rd, Suite #155-150, Mountain View, CA 94040.

If you have questions, please call Ellen Feighery at (650) 712-8070 or Harry Haladjian at (415) 703-0427.

A. Agency and Jurisdiction Information

ID Label

If the information on the label is not correct, please write in the correct information below. If you are completing this survey and are not the person on the label above, please write your name and position below.

Name: _____

Position: _____

Agency: _____

Address: _____

1. Is your agency responsible for the enforcement of Labor Code 6404.5, which requires most enclosed places of employment to be smoke-free?

☐ Yes ☐ No

2. Is your agency responsible for the enforcement of Health and Safety Code 104495, which prohibits smoking and cigarette disposal in playgrounds and tot lots?

☐ Yes ☐ No

NOTE: If NO to both questions, please return this blank survey in the enclosed self-addressed stamped envelope.

3. Is there more than one municipality and/or unincorporated area under your jurisdiction?

☐ Yes ☐ No

If yes, please list: _____

4. Does your agency have plans to enforce Government Code 7596-7598 (AB 846), the new law that bans smoking within 20 feet of main entrances, exits, and operable windows of Municipal, County, Regional, State buildings, and buildings of the University of California, California State University, and community colleges?

☐ Yes ☐ No ☐ Unaware of such a law ☐ Another agency enforces this law: _____

B. Enforcement of Labor Code 6404.5 Smoke-free Bar Provision

The next six questions ask about the smoke-free bar law that took effect January 1, 1998, and is part of Labor Code 6404.5. By "bars" we mean stand alone bars and bars that are part of a restaurant.

1. How many bars (stand alone or as part of a restaurant) are in your jurisdiction?

☐ ₀ None → Skip to next page

☐ ₁ 1 to 3

☐ ₂ 4 to 10

☐ ₃ 11 to 20

☐ ₄ 21 to 30

☐ ₅ More than 30

2. Compared to other laws your agency enforces, how important is the enforcement of laws that prohibit smoking in bars specifically?

Not important at all

Very important

Don't Know

1

2

3

4

5

6

7

8

3. Please estimate how well bars in your jurisdiction comply with laws to prohibit smoking.

Not at all well

Very well

Don't Know

1

2

3

4

5

6

7

8

4. In the last six months, how often has your agency conducted any of the following types of enforcement activities related to the smoking ban in bars specifically? (Check all that apply.) *If your agency is not responsible for a certain type of enforcement activity, please circle N/A.*

How often has your agency:	Never							Very Often	Don't Know
a. responded to inquiries	N/A	1	2	3	4	5	6	7	DK
b. responded to complaints	N/A	1	2	3	4	5	6	7	DK
c. issued warnings	N/A	1	2	3	4	5	6	7	DK
d. issued citations	N/A	1	2	3	4	5	6	7	DK
e. issued fines	N/A	1	2	3	4	5	6	7	DK
f. conducted compliance checks	N/A	1	2	3	4	5	6	7	DK
g. educated bar owners about Labor Code 6404.5	N/A	1	2	3	4	5	6	7	DK
h. educated others about Labor Code 6404.5	N/A	1	2	3	4	5	6	7	DK
i. other (describe: _____)	N/A	1	2	3	4	5	6	7	DK

5. In the last six months, please estimate how many Labor Code 6404.5 citations specifically related to the smoking ban in bars were issued and prosecuted for the following types of establishments:

☐ My agency does not issue Labor Code 6404.5 bar ban citations. → Skip to next page

Restaurant/bar combinations:

a) Number of citations issued in your jurisdiction: _____

b) Number of citations prosecuted in your jurisdiction: _____

Stand-alone bars:

c) Number of citations issued in your jurisdiction: _____

d) Number of citations prosecuted in your jurisdiction: _____

6. In the last six months, of the citations issued to bars and restaurants for violating Labor Code 6404.5, estimate the percentage of citations issued to the following individuals:

a) Percentage of citations issued to bar patrons: _____

b) Percentage of citations issued to bar owners/employees: _____

☐ Don't Know

C. Enforcement of Labor Code 6404.5 Smoke-free Workplaces (Excluding Bars)	
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The next five questions are about the enforcement of other indoor areas that are part of Labor Code 6404.5, excluding bars.

1. Compared to other laws your agency enforces, how important is the enforcement of laws that prohibit smoking in indoor public areas such as restaurants and workplaces?

Not important at all

Very important

Don't Know

1

2

3

4

5

6

7

8

2. Please estimate how well indoor restaurants and workplaces in your jurisdiction comply with laws that prohibit smoking in enclosed workplaces.

Not at all well

Very well

Don't Know

1

2

3

4

5

6

7

8

3. In the last year, how often has your agency conducted any of the following types of enforcement activities related to Labor Code 6404.5? (Check all that apply.) *If your agency is not responsible for a certain type of enforcement activity, please circle N/A.*

How often has your agency:

Never

Very
Often

Don't Know

How often has your agency:										
	N/A	1	2	3	4	5	6	7	DK	
a. responded to inquiries	N/A	1	2	3	4	5	6	7	DK	
b. responded to complaints	N/A	1	2	3	4	5	6	7	DK	
c. issued warnings	N/A	1	2	3	4	5	6	7	DK	
d. issued citations	N/A	1	2	3	4	5	6	7	DK	
e. issued fines	N/A	1	2	3	4	5	6	7	DK	
f. conducted compliance checks	N/A	1	2	3	4	5	6	7	DK	
g. educated owners about LC 6404.5	N/A	1	2	3	4	5	6	7	DK	
h. educated others about Labor Code 6404.5	N/A	1	2	3	4	5	6	7	DK	
i. other (describe: _____)	N/A	1	2	3	4	5	6	7	DK	

4. In the last year, please estimate how many non-bar Labor Code 6404.5 citations were:

☐ My agency does not issue Labor Code 6404.5 citations. → Skip to next page

a) Number of citations issued in your jurisdiction: _____

b) Number of citations prosecuted in your jurisdiction: _____

5. Of the citations issued for Labor Code 6404.5 violations in the last year, estimate the percentage issued to the following types of businesses (numbers should total to 100%):

Restaurants

Offices

☐ Don't Know

Hotels

Warehouses

Retail/Showrooms

Vehicles

D. Other Issues Related to the Enforcement of Labor Code 6404.5

1. Compared to other problems in your community, how serious is it that non-smokers breathe in other people's smoke when in indoor public areas such as restaurants and work places? *Please circle only one answer.*

- ☐ ₁ Very serious
☐ ₂ Serious
☐ ₃ Somewhat serious
☐ ₄ Not at all serious
☐ ₅ Don't know

2. To what extent is each of the following a barrier to conducting enforcement operations of secondhand smoke/clean indoor air laws in your community?

	Not at all a barrier						A large barrier
a. No money in our budget	1	2	3	4	5	6	7
b. Limited staff	1	2	3	4	5	6	7
c. Not a priority in our community	1	2	3	4	5	6	7
d. Lack of support from community leaders	1	2	3	4	5	6	7
e. Other (describe: _____)	1	2	3	4	5	6	7

3. To what extent is each of the following a barrier to achieving compliance with Labor Code 6404.5 in your community?

	Not at all a barrier						A large barrier
a. Insufficient enforcement operations conducted	1	2	3	4	5	6	7
b. Fines/penalties are insufficient deterrents	1	2	3	4	5	6	7
c. Exemptions, such as owner-operated bars and worksite with five or fewer employees, create an uneven playing field	1	2	3	4	5	6	7
d. Lack of signage posted for English-speakers	1	2	3	4	5	6	7
e. Lack of signage posted for Spanish-speakers	1	2	3	4	5	6	7
f. Lack of awareness among worksites regarding the requirements of the law	1	2	3	4	5	6	7
g. Lack of stories in the local media supporting and/or covering results of enforcement operations	1	2	3	4	5	6	7
h. Other (describe: _____)	1	2	3	4	5	6	7

4. How often have you or someone in your organization worked with any of the following individuals or groups on education or enforcement of secondhand smoke/clean indoor air laws during the past year?

	Never						Very often
a. County or state health department (e.g., local tobacco control programs)	1	2	3	4	5	6	7
b. Local government officials (e.g., city council, board of supervisors)	1	2	3	4	5	6	7
c. Voluntary health organizations (e.g., American Cancer Society)	1	2	3	4	5	6	7
d. Educational organizations (e.g., local schools)	1	2	3	4	5	6	7
e. Businesses (e.g., restaurant associations)	1	2	3	4	5	6	7
f. Tobacco Control coalitions	1	2	3	4	5	6	7
g. BREATH (The CA Smoke-free Bar Program)	1	2	3	4	5	6	7
h. Other law enforcement agencies (e.g., fire department, code enforcement, city manager)	1	2	3	4	5	6	7
i. Other (describe: _____)	1	2	3	4	5	6	7

5. Please list any other agencies and contacts in your jurisdiction that are involved in the enforcement of Labor Code 6404.5):

E. Enforcement of Health and Safety Code 104495 Smoke-free Playgrounds and Tot Lots

The next four questions are about the enforcement of smoke-free playgrounds and tot lots that are part of Health and Safety Code 104495.

1. Compared to other laws your agency enforces, how important is the enforcement of laws that prohibit smoking and cigarette disposal in playgrounds and tot lots?

Not important at all

Very important

Don't Know

1	2	3	4	5	6	7	8
1	2	3	4	5	6	7	8
9	10	11	12	13	14	15	16
17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32
33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48
49	50	51	52	53	54	55	56
57	58	59	60	61	62	63	64
65	66	67	68	69	70	71	72
73	74	75	76	77	78	79	80
81	82	83	84	85	86	87	88
89	90	91	92	93	94	95	96
97	98	99	100	101	102	103	104
105	106	107	108	109	110	111	112
113	114	115	116	117	118	119	120
121	122	123	124	125	126	127	128
129	130	131	132	133	134	135	136
137	138	139	140	141	142	143	144
145	146	147	148	149	150	151	152
153	154	155	156	157	158	159	160
161	162	163	164	165	166	167	168
169	170	171	172	173	174	175	176
177	178	179	180	181	182	183	184
185	186	187	188	189	190	191	192
193	194	195	196	197	198	199	200
201	202	203	204	205	206	207	208
209	210	211	212	213	214	215	216
217	218	219	220	221	222	223	224
225	226	227	228	229	230	231	232
233	234	235	236	237	238	239	240
241	242	243	244	245	246	247	248
249	250	251	252	253	254	255	256
257	258	259	260	261	262	263	264
265	266	267	268	269	270	271	272
273	274	275	276	277	278	279	280
281	282	283	284	285	286	287	288
289	290	291	292	293	294	295	296
297	298	299	300	301	302	303	304
305	306	307	308	309	310	311	312
313	314	315	316	317	318	319	320
321	322	323	324	325	326	327	328
329	330	331	332	333	334	335	336
337	338	339	340	341	342	343	344
345	346	347	348	349	350	351	352
353	354	355	356	357	358	359	360
361	362	363	364	365	366	367	368
369	370	371	372	373	374	375	376
377	378	379	380	381	382	383	384
385	386	387	388	389	390	391	392
393	394	395	396	397	398	399	400
401	402	403	404	405	406	407	408
409	410	411	412	413	414	415	416
417	418						

2. Please estimate how well people in your jurisdiction comply with laws that prohibit smoking and cigarette disposal at playgrounds and tot lots.

Not at all well

Very well

Don't Know

1	2	3	4	5	6	7	8
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3. In the last year, how often has your agency conducted any of the following types of enforcement activities related to Health and Safety Code 104495? (Check all that apply.) *If your agency is not responsible for a certain type of enforcement activity, please circle N/A.*

How often has your agency:		Never						Very Often	Don't Know
a. responded to inquiries	N/A	1	2	3	4	5	6	7	DK
b. responded to complaints	N/A	1	2	3	4	5	6	7	DK
c. issued warnings	N/A	1	2	3	4	5	6	7	DK
d. issued citations	N/A	1	2	3	4	5	6	7	DK
e. issued fines	N/A	1	2	3	4	5	6	7	DK
f. conducted compliance checks	N/A	1	2	3	4	5	6	7	DK
g. educated other agencies about Health and Safety Code 104495 (e.g., parks and recreation departments)	N/A	1	2	3	4	5	6	7	DK
h. other (describe: _____)	N/A	1	2	3	4	5	6	7	DK

4. In the last year, please estimate how many Health and Safety Code 104495 citations were:

☐ My agency does not issue Health and Safety Code 104495 citations.

a) Number of citations issued in your jurisdiction: _____

b) Number of citations prosecuted in your jurisdiction: _____

F. Other Issues Related to the Enforcement of Health and Safety Code 104495

1. Compared to other problems in your community, how serious of an issue is it that smoking and cigarette litter in playgrounds and tot lots be prevented? *Please circle only one answer.*

- ☐ ₁ Very serious
☐ ₂ Serious
☐ ₃ Somewhat serious
☐ ₄ Not at all serious
☐ ₅ Don't know

2. To what extent is each of the following a barrier to conducting enforcement of playground smoking/cigarette litter laws in your community?

	Not at all a barrier						A large barrier
a. No money in our budget	1	2	3	4	5	6	7
b. Limited staff	1	2	3	4	5	6	7
c. Not a priority in our community	1	2	3	4	5	6	7
d. Lack of support from community leaders	1	2	3	4	5	6	7
e. Other (describe: _____)	1	2	3	4	5	6	7

3. To what extent is each of the following a barrier to achieving compliance with laws that prohibit smoking and cigarette litter at playgrounds in your community?

	Not at all a barrier						A large barrier
a. Insufficient enforcement operations conducted	1	2	3	4	5	6	7
b. Fines/penalties are insufficient deterrents	1	2	3	4	5	6	7
c. Lack of signage posted for English speakers	1	2	3	4	5	6	7
d. Lack of signage posted for Spanish speakers	1	2	3	4	5	6	7
e. Lack of awareness among English speakers	1	2	3	4	5	6	7
f. Lack of awareness among Spanish speakers	1	2	3	4	5	6	7
g. Lack of stories in the local media about the law	1	2	3	4	5	6	7
h. Other (describe: _____)	1	2	3	4	5	6	7

4. How often have you or someone in your organization worked with any of the following individuals or groups on education or enforcement of smoke-free playgrounds and tot lots laws during the past year?

	Never						Very often
a. County health department (e.g., local tobacco control programs)	1	2	3	4	5	6	7
b. Local government officials (e.g., city council)	1	2	3	4	5	6	7
c. Voluntary health organizations (e.g., American Cancer Society)	1	2	3	4	5	6	7
d. Educational organizations (e.g., local schools)	1	2	3	4	5	6	7
e. Businesses (e.g., restaurant associations)	1	2	3	4	5	6	7
f. Tobacco Control coalitions	1	2	3	4	5	6	7
g. BREATH (The CA Smoke-free Bar Program)	1	2	3	4	5	6	7
h. Other law enforcement agencies (e.g., fire department, code enforcement, city manager)	1	2	3	4	5	6	7
i. Other (describe: _____)	1	2	3	4	5	6	7

5. Please list any other agencies and contacts in your jurisdiction that are involved in enforcing Health and Safety Code 104495:

Thank you for completing this survey!